

Part 4

Penalties and Statutory Construction

36-11-401 Penalties.

- (1) Any person who intentionally violates Section 36-11-103, 36-11-201, 36-11-301, 36-11-302, 36-11-303, 36-11-304, 36-11-305, or 36-11-403, is subject to the following penalties:
 - (a) an administrative penalty of up to \$1,000 for each violation; and
 - (b) for each subsequent violation of that same section within 24 months, either:
 - (i) an administrative penalty of up to \$5,000; or
 - (ii) suspension of the violator's lobbying license for up to one year, if the person is a lobbyist.
- (2) Any person who intentionally fails to file a financial report required by this chapter, omits material information from a license application form or financial report, or files false information on a license application form or financial report, is subject to the following penalties:
 - (a) an administrative penalty of up to \$1,000 for each violation; or
 - (b) suspension of the violator's lobbying license for up to one year, if the person is a lobbyist.
- (3) Any person who intentionally fails to file a financial report required by this chapter on the date that it is due shall, in addition to the penalties, if any, imposed under Subsection (1) or (2), pay a penalty of up to \$50 per day for each day that the report is late.
- (4)
 - (a) When a lobbyist is convicted of violating Section 76-8-103, 76-8-107, 76-8-108, or 76-8-303, the lieutenant governor shall suspend the lobbyist's license for up to five years from the date of the conviction.
 - (b) When a lobbyist is convicted of violating Section 76-8-104 or 76-8-304, the lieutenant governor shall suspend a lobbyist's license for up to one year from the date of conviction.
- (5)
 - (a) Any person who intentionally violates Section 36-11-301, 36-11-302, or 36-11-303 is guilty of a class B misdemeanor.
 - (b) The lieutenant governor shall suspend the lobbyist license of any person convicted under any of these sections for up to one year.
 - (c) The suspension shall be in addition to any administrative penalties imposed by the lieutenant governor under this section.
 - (d) Any person with evidence of a possible violation of this chapter may submit that evidence to the lieutenant governor for investigation and resolution.
- (6) A lobbyist who does not complete the training required by Section 36-11-307 is subject to the following penalties:
 - (a) an administrative penalty of up to \$1,000 for each failure to complete the training required by Section 36-11-307; and
 - (b) for two or more failures to complete the training required by Section 36-11-307 within 24 months, suspension of the lobbyist's lobbying license.
- (7) Nothing in this chapter creates a third-party cause of action or appeal rights.

Amended by Chapter 258, 2015 General Session

36-11-403 Lobbying without a license.

- (1) No person may engage in any lobbying activities:
 - (a) without the license required by this chapter;
 - (b) during the period of any bar from obtaining a license; or

- (c) when the license has been suspended or revoked.
- (2) The attorney general may seek injunctive relief against any person violating this section.

Enacted by Chapter 280, 1991 General Session

36-11-404 Lieutenant governor's procedures.

- (1) The lieutenant governor shall make rules that provide:
 - (a) for the appointment of an administrative law judge to adjudicate alleged violations of this section and to impose penalties under this section;
 - (b) procedures for license applications, disapprovals, suspensions, revocations, and reinstatements that comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act.
- (2) The lieutenant governor shall develop forms needed for the registration and disclosure provisions of this chapter.

Amended by Chapter 382, 2008 General Session

36-11-405 Construction and interpretation -- Freedom of expression, participation, and press.

No provision of this chapter may be construed, interpreted, or enforced so as to limit, impair, abridge, or destroy any person's right of freedom of expression and participation in government processes or freedom of the press.

Enacted by Chapter 280, 1991 General Session